

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MALEEHA AHMAD, et al.,

Plaintiffs,

V.

CITY OF ST. LOUIS,

Defendant.

Case No. 4:17-CV-2455-CAS

**DECLARATION OF LIEUTENANT TIMOTHY SACHS**

I, Lieutenant Timothy Sachs, declare as follows:

1. I am over the age of 18. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts.
2. I am a Lieutenant with the Police Division of the City of St. Louis.
3. I am the commander of Tactical Operations.
4. On the evening of Friday, September 15, 2017, I was in the Central West End monitoring a large gathering of protestors.
5. At approximately 9:37 p.m., a group of protestors marched to Lake and Waterman.
6. At approximately 9:45 p.m., I heard on my radio that the protestors had begun to break the windows of a residence located at Lake and Waterman and owned by Mayor Lyda Krewson.
7. At approximately 9:49 p.m., I arrived at the corner of Lake and Waterman.
8. I saw approximately 300 to 500 protestors at the intersection of Lake and Waterman.
9. After arriving, I saw protestors throw red paint containing a chemical irritant at officers.
10. After arriving, I saw protestors throw rocks, bricks, and frozen water bottles at officers.



11. At approximately 10:07 p.m., Colonel Gerald Leyshock, the incident scene commander, authorized a declaration that the gathering at Waterman and Lake had become an unlawful assembly and that munitions were imminent.
12. Subsequent to this announcement, and after the dispersal order had been conveyed to the gathered crowd via a public address system, I authorized the deployment of two canisters of smoke.
13. I then authorized the deployment of chemical munitions.
14. I believe that exigent circumstances existed that warranted the use of chemical munitions.
15. At approximately 10:22 p.m., the Civil Disobedience Team under my command began to walk east on Waterman towards Kingshighway.
16. As I walked east on Waterman towards Kingshighway, I heard the sound of gunshots.
17. As I walked east on Waterman towards Kingshighway, I saw an officer near the front of the line fall to the ground. I learned later that the officer had sustained a broken jaw from thrown debris.
18. As I walked east on Waterman towards Kingshighway, I saw several officers walk to the front of the Central Reform Congregation located at 5020 Waterman and stop several yards from the entrance.
19. After several dozen protestors entered the front doors of the Central Reform Congregation, I saw the officers retreat to the west.
20. I did not see any officers bang on the doors of Central Reform Congregation.
21. On Sunday evening, September 17, 2017, I was in Downtown in the City of St. Louis at multiple locations monitoring multiple gatherings of protesters.

22. Between 8:00 p.m. and 9:00 p.m., a multitude of protesters engaged in criminal conduct and violence including breaking storefront windows, destroying flower pots, setting dumpsters on fire, and throwing furniture into the street on the 900, 1000, and 1100 blocks of Olive Street.
23. Residents on the 900, 1000, and 1100 blocks of Olive Street are largely businesses closed at this hour on Sunday evenings.
24. A group of protesters subsequently gathered at Tucker and Olive Street.
25. I observed several protesters with masks or putting on masks as well as goggles or other gear to protect their face and eyes from chemicals.
26. I observed several protesters reaching into back packs for what I suspected to be chemical munitions or some other similar agent.
27. Colonel Gerald Leyshock, the scene commander, authorized a declaration that the gathering had become an unlawful assembly and that chemical munitions were imminent.
28. The protesters were ordered to disperse at approximately 8:48 p.m. or be subject to arrest and/or chemical munitions.
29. A second order to disperse announcing that the use of chemical munitions is imminent was given at approximately 8:51 p.m.
30. Chemical munitions in the form of pepper ball were deployed and multiple arrests ensued.
31. At 10:40 p.m., a group of about 50 to 100 persons gathered at the intersections of Tucker and Locust and Tucker and Washington standing on all corners and in the street in a manner that physically obstructed the reasonable movement of vehicular and pedestrian traffic in violation of Section 17.16275 of the St. Louis City Code.

32. At approximately 10:50 p.m., Sgt. Rossomano made the following announcement: "This is an unlawful assembly. You are destroying property, and hereby ordered to disperse from this area by moving to the sidewalk and leaving the downtown area. Anyone who remains in the area in violation of this order is subject to arrest and/or other actions up to and including the deployment of chemical munitions. You have five minutes to comply with this order."
33. Sgt. Rossomanno made the announcement over a loudspeaker at the corner of Locust and Tucker.
34. I reasonably believed that the persons gathered near the intersection of Locust and Tucker could hear the announcement that was made.
35. Prior to this announcement, Sgts. Rossomanno and Jemerson conducted community engagement activities and told multiple persons at the intersections of Locust and Tucker through Washington and Tucker and surrounding areas that it was time to leave.
36. After this announcement, Sgts. Rossomanno and Jemerson conducted community engagement activities told multiple persons at the intersections of Locust and Tucker through Washington and Tucker and surrounding areas that it was time to leave.
37. A group of over 100 persons remained at the intersection of Washington and Tucker.
38. All of the persons who refused to leave were subsequently arrested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11<sup>th</sup> day of October, 2017.

By:

